SINGLE BENCH

P.R. No. 4032/06
Presented by Shri R. Trivedi
dated 27/12/06

(5)

Vr 100

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

WRIT PETITION NO. 3983 OF 2006

(E)

PETITIONER : Nishikant, s/o Sakal Sai, aged about 27 years, R/o Rajpur, Tahsil Lailunga, Distt Raigarh (Chhattisgarh).

Versus

RESPONDENTS :

1. Sub Divisional Officer (Revenue), Specified Officer, Gharghoda, Distt Raigarh (CG).
2. Assistant Returning Officer, Lailunga, Distt Raigarh (Chhattisgarh).
3. Smt. Pala Bai @ Mala Bai, W/o Rajkumar Painkra, R/o Rajpur, Tahsil Lailunga, Distt Raigarh (Chhattisgarh).
4. Nakul Sai, S/o Ramdhan Kanwar,
5. Injore Sai, S/o Somsay Kanwar
6. Ramdhan, S/o Nan Budha Kanwar
7. Mathura Bai, W/o Durga Prasad
8. Jugni Bai, W/o Janmajay
9. Hariram, W/o Matwar Kanwar

All are R/o Rajpur, Tahsil Lailunga, Distt Raigarh (Chhattisgarh).

CLERK H.C.B. BILASPUR 27/12/06

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(30)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..W.P.No...3981 **सन्** 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	11.8.2006:- Shri B.D. Guru, counsel for the petitioner. Shri N.K. Agrawal, Deputy Advocate General for the respondent No.1, on advance copy. The petitioner, who is an elected Sarpanch of Gram Panchayat Rajpur, has preferred this writ petition under Article 226/227 of the Constitution of India, being aggrieved by the order dated 26-6-2006 whereby the learned Specified Officer has rejected the objection raised by the petitioner that an attested true copy was not served upon him in compliance of sub-rule (2) of Rule 3 of the Chhattisgarh Panchayats (Election Petitions, Corrupt Practices and Disqualification For Membership) Rules, 1995 (for short the Rules, 1995). Brief facts leading to filing of this writ petition are that the petitioner among other candidates contested the election for the post of Sarpanch in the year 2005. In the said election, the petitioner was declared elected having secured the majority of votes. Being aggrieved with the result, respondent No.3 herein filed an election petition before the Specified Officer, Gharghoda, District Raigarh. In reply of the said election petition, the petitioner, amongst other objections, raised the objection that copy of the petition served upon him was not in accordance with sub-rule (2) of Rule 3 of the Rules, 1995. However, learned Specified Officer after hearing both the parties and perusal of the copies reached to the conclusion that the copy served upon the petitioner is in accordance with the aforesaid rules and rejected, amongst other objections, this objection. But, learned counsel for the petitioner pressed only one point that the copy which was served upon the petitioner was not in accordance with the Rules.	

P.T.O.

XI-HC-78

(31)

(30)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
Barve	Having heard learned counsel for the parties and having perused the record, the writ petition is disposed of with a direction that in reply of the election petition the petitioner may raise the objection regarding non-service of attested copy as per sub-rule (2) of Rule 3 of the Rules, 1995 and the learned Specified Officer after framing issue on this point, decide this issue along with other issues after recording evidence of the parties in the judgment. Consequently, M.(W.)P. No.3099/2006 and I.A. No.7491/2006 also stand disposed of. Parties are entitled for certified copy of this order. Sd/- L.C.Bhadoo Judge	

P.T.O.